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wheeled vehicles propelled by horse power or by the rider. *Held*, such an ordinance was void as constituting double taxation, it appearing that the plaintiffs paid an *ad valorem* tax also. Such a license also constituted a tax that was unequal and not uniform.

MASTER AND SERVANT—VICE PRINCIPAL—SCAFFOLDING—F. C. AUSTIN MFG. Co. v. JOHNSON, 89 Fed. 677.—A company engaged in the construction of bridges sent a man to superintend the placing in position of a bridge. He employed workmen and had entire charge of the work, and was without instructions from his employers. He directed the construction of a scaffolding to furnish a place for the men to work upon and to support part of the bridge during construction. This scaffolding gave way and a workman was injured. *Held*, that the company was liable, the man directing the work being a vice principal and the company being obliged to furnish safe scaffolding, Sanborn, Circuit Judge, dissenting, on the ground that the master is not liable to the servant when he employs him to construct a building, and the servant has to construct false work—a scaffolding or staging—to enable him to accomplish his undertaking. In such cases the duty of care in construction of the false work is on the servant also on the ground that as a matter of fact the agent in control was not a vice principal.

PERSONS—DIVORCE—SUPPORT PENDING ACTION—BAILIE v. BAILIE, 53 N. Y. SUP. 866.—In an action by a husband for a divorce, the wife defended against the accusation of adultery, by asserting the validity of a foreign divorce, and her subsequent marriage under such decree. *Held*, such defense was not sufficient to relieve the husband of the liability for his alleged wife's counsel fees.

STATUTE OF FRAUDS—DEEDS FROM CLIENT TO ATTORNEY—HAWKINS v. DUNMORE, 54 N. Y. SUP. 165.—In an action to enforce an alleged parol agreement to reconvey property it appeared that the plaintiff had transferred the property to her attorney by a deed absolute on its face and for an expressed consideration. Said transfer was made that certain claims might be enforced against a third party in the name of her attorney, rather than in her name and with the oral agreement that upon the settlement of those claims he would reconvey the property to the plaintiff. *Held*, that because of the fiduciary relations between the parties, the defense of the statute of frauds would not be allowed. *Ryan v. Dox*, 34 N. Y. 307; *Wheeler v. Reynolds*, 66 N. Y. 227, 234.

TRUSTS—INSTRUCTIONS TO TRUSTEES—ARTICLES OF SEPARATION—CRAWFORD v. WINSTON, 54 N. Y. SUP. 246.—A husband and wife drew up articles of separation and appointed trustees of a settlement for the maintenance of their child until her marriage or majority, the money to be paid over to the wife. A divorce was afterwards granted, and the husband notified the trustees not to pay over any more money. The trustee under the circumstances asked the aid and instruction of the court as to what disposition should be made of the money in his hands. *Held*, that as the trust had not by its terms come to an end, a trust fund still remaining in the hands of the trustee for distribution, and as no accounting by the trustee had been asked for, no question had been presented requiring the action of the court. Van Brunt, T. J., concurred, but objected to the main opinions as written in that they did the very thing which the court held they had no right to do, namely, gave advice to a trustee as to the execution of his trust.